KA / BG-GPO/2515/WPP-47/2006-2008



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೨	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಫೆಬ್ರವರಿ ೮, ೨೦೦೬ (ಮಾಘ ೧೯, ಶಕ ವರ್ಷ ೧೯೨೮)	ಸಂಚಿಕೆ ೬

ಭಾಗ - ೪

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು, ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ
ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 52 ಕೇಶಾಪ್ರ 2006 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 2ನೇ ಜನವರಿ 2007

2006ನೇ ಸಾಲಿನ ಆಗಸ್ಟ್ 31ನೇ ದಿನಾಂಕದ ಭಾರತದ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Government Securities Act, 2006 (Act 38 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ

THE GOVERNMENT SECURITIES ACT, 2006
(AS PASSED BY THE HOUSES OF PARLIAMENT)
AN
ACT

to consolidate and amend the law relating to Government securities and its management by the Reserve Bank of India and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to consolidate and amend the law relating to Government Securities and its management by the Reserve Bank of India;

And WHEREAS Parliament has no power to make laws for States with respect to any of the matters aforesaid except as provided in articles 249 and 250 of the Constitution;

And WHEREAS in pursuance of clause (1) of article 252 of the Constitution, resolutions have been passed by the Houses of the Legislatures of all the States, except the Legislature of the State of Jammu and Kashmir, to the effect that the matters aforesaid should be regulated in those States by Parliament by law;

Be it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:

1. Short title, application and commencement: (1) This Act may be called the Government Securities Act, 2006

(2) This Act applies to Government securities created and issued whether before or after the commencement of this Act by the Central Government or State Government.

(3) It applies in the first instance to whole of the States, except the State of Jammu and Kashmir, and to all the Union territories and it shall also apply to the State of Jammu and Kashmir which adopts this Act by resolution passed in that behalf under clause (1) of article252 of the Constitution.

(4) It shall come into force in all the States, except the State of Jammu and Kashmir, and in the Union territories on such date as the Central Government may, by notification in the Official Gazette, appoint and in the State of Jammu and Kashmir which adopts this Act under clause (1) of article 252 of the Constitution, on the date of such adoption; and any reference in this Act to the commencement of this Act, shall, in relation to any State or Union territory, means the date on which this Act, comes into force in such State or Union territory.

2. Definitions : In this Act, unless the context otherwise requires,

(a) "agent" means a scheduled bank within the meaning of clause (e) of section 2 of the Reserve Bank of India Act, 1934, (2 of 1934) or any other person specified as such;

(b) "Bank" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934 (2 of 1934);

(c)"bond ledger account" means an account with the Bank or an agent in which the Government securities are held in a dematerialised from at the credit of the holder;

(d)"constituents' subsidiary general ledger account" means a subsidiary general ledger account opened and maintained with the Bank by an agent on behalf of the constituents of such agent;

(e) "Government", in relation to any Government security, means the Central or State Government issuing the security;

(f) "Government security" means a security created and issued by the Government for the purpose of raising a public loan or for any other purpose as may be notified by the Government in the Official Gazette and having one of the forms mentioned in section 3'

(g) "prescribed" means prescribed by regulations made under this Act;

(h) "promissory note" includes a terasury bill;

(i) "specified" means specified by the Bank in the Official Gazette.

3. Forms of Government securities : A Government security may, subject to such terms and conditions as may be specified, be in such forms as may be prescribed or in one of the following forms, namely:

(i) a Government promissory note payable to or to the order of a certain persons; or

(ii) a bearer bond payable to bearer ; or

(iii) a stock ; or

(iv) a bond held in a bond ledger account.

Explanation : For the purpose of this section, "stock" means a Government security,

(i) registered in the books of the Bank for which a stock certificate is issued; or

(ii) held at the credit of the holder in the subsidiary general ledger account including the constituents subsidiary general ledger account maintained in the books of the Bank.

and transferable by registration in the books of the Bank.

4. Subsidiary general ledger account : (1) A subsidiary general leneral ledger account including a constitutents' subsidiary general ledger account and a bond ledger account may be opened and maintained by the Bank subject to such conditions and restrictions as may be specified and in such form and on payment of such fee as may be prescribed.

(2) Notwithstanding anything contained in the Benami Transactions (Prohibition) Act, 1988, or (45 of 1988) or any other law for the time being in force, the Government securities may be held on behalf of a constitutent in a constituents' subsidiary general ledger account under sub-section (1) and the holder of such account shall be deemed to be the holder of the securitied held in that account;

Provided that the constitutent as a benificial owner of the Government security shall be entitled to claim from the holder all the benefits and be subjected to all the liabilities in respect of the Government securities held in the constituents' subsidiary general ledger account.

(3) The holder of a constituents' subsidiary General ledger account shall maintain such records and adopt such procedure for safeguarding the interests of the constituents as may be specified.

5. Transfer of Government securities : (1) No transfer of a Government security shall be valid if it does not purport to convey the full title to the security.

(2) The transfer of the Government securities shall be made in such froma and in such manner as may be prescribed.

(3) Any document relating to a Government security or any endorsement on a promissiry note issued by the Government may, on the demand of a person who for any reason is unable to write, shall be executed on his behalf in such manner as may be prescribed.

(4) Nothing in this section shall affect any order made by the Bank under this Act, or any order made by a Court upon the Bank.

6. Holding of Government securities by holders of public offices : (1) In the case of any public office to which the Government may, by notification in the Official Gazette, declare this sub-section to apply, a Government security may be held in the name of the office.

(2) When a Government security is so held, it shall be deemed to be transferred without any or further endorsement or transfer deed from each holder of the office to the succeeding holder of the office on and from the date on which the latter takes charge of the office.

(3) When the holder of the office transfers to a party not being his successor in office where a Government security so held, the trasfer shall be made by the signature of the holder of the office and the name of the office in the manner laid down in section 5.

(4) Where the holder of the office is temporarily absent for more than a fortnight from his office for any reason, he may authorise in writing such other person, who would be incharge of this office during the perios of such absence, to effect transfer of the Government securities.

(5) This section as well to an office of which there are two or more joint holders as to an office of which there is a single holder

7. Recognition of title to Government security of deceased sole holder or joint holders : (1) Subject to the provisions of sub-section (2) and (3), if on the death of sole holder or death of all the joint holders of Government security there is no nomination in force, the executors or administrators of the deceased sole holder all the deceased joint holders, as the case may be, or the holder of a sucession certificate issued under Part X of the Indian Succession Act, 1925 (39 of 1925) shall be the only person who may be recognised by the Bank as having any title to the Government security.

(2) Nothing contained in this section shall bar the recognition by the Bank of any person as having a title to a Government security on the basis of a decree, order or direction passed by competent court declaring the person as having title to the Government security or appointing a receiver to take possession of a security or on the basis of a certificate issued or order passed by any other authority who might have been empowered under any statute to confer on any such person a title to the Government security or on the basis of such other documents as may be prescribed.

(3) Notwithstanding anything contained in this section or in any other law for the time being in force, where the outstanding value of Government security held by a deceased sole holder or deceased joint holders, as the case may be, does not exceed an amount of rupees one lakh or such higher amount not exceeding rupees one crore as may be fixed by the Central Government by notification in the Official Gazette from time to time, the Bank may recognise a person as having title to such Government security of the deceased sole holder or deceased joint holders in such manner and subject to such conditions as may be prescribed.

8. Right of survivors of joint holders or several payees : Notwithstanding anything contained in section 45 of the Indian Contract Act, 1872 (9 of 1872) and subject to provisions of sections 7 and 10,

(a) when a Government security is held by two or more person jointly, and either or any of them dies, the title to the Government security shall vest in the survivor or survivors of those person ; and

(b) when a Government security is payable to two or more person severally and either or any of them dies, the Government security shall be payable to the surivor or survivors of those persons or to the represntative of the deceased or to any one of them:

Provided that nothing contained in this section shall affect any claim which any representative of a deceased joint holder or deceased holders of a Government security or a surviving joint holder or holders of a Government security, as the case may be, may have against the survivor or survivors or respresentatives under or in respect of any Government security to which this section applies.

Explanation : For the purposes of this section, a body incorporated or deemed to be incorporated under the Companies Act, 1956, (1 of 1956) or the Co-operative Societies Act, 1912 (2 of 1912), or any other enactment for the time being in force relating to the incorporation of associations of individuals, shall be deemed to die when it is dissolved.

9. Nomination by holders of Government securities : (1) Notwithstanding anything contained in sections 7 and 8 or any other law for the time being in force, except the provisions of sub-section (2),

(a) where a Government security other than in the form of promissory note or bearer bond is held by a person in his name or jointly with any other name or names, as the case may be, the sole holder or all the joint holders of the Government security together may nominate one or more person in such form and in such manner as may be prescribed, who in the event of the death of the sole holder or the death of all the joint holders, as the case may be,would become entitled to the Government security and to payment thereon to the exclusion of all other persons, unless the nomination is varied or cancelled in the prescribed manner;

(b) where a nomination in respect of a Government security has been made in favour of two or more nominees and either or any of them is dead, the surviving nominee or nomines, as the case may be, shall entitled to the Government security and payment thereon;

(c) where the nominee is a minor, it shall be lawful for the sole holder or all the joint holders of a Government security, as the case may be, to appoint in the prescribed manner any person in whom the Government security would be deemed to have vested in the event of death of such holder or joint holders of the Government security during the minority of the nominee;

(d) the recognition of right and claim of the nominee or nomines to the Government security held by a sole holder or joint holders, as the case may be, and any payment made by the Government or the Bank to the nominee or nominees shall constitute a full discharge and shall absolve the Government or the Bank of its liability in respect of the said Government security.

(2) Any nomination or appointment made under sub-section (1) shall become void if the nominee predeceases, or where there are two or more nominees, if all the nominees presecease the holder or joint holders of the Government security making the nomination.

(3) Where the amount due for the time being on a Government security is payable to two or more nominees and either or any of them dies, the title to the Government security shall vest in the survivor or survivors of those nominees and the amount for the time being due thereon shall be paid accordingly.

(4) Atransfer of Government security made in accordance with sub-section (2) of section 5 shall automatically cancel the nomination previously made:

Provided that where a Government security is in the possession of a person either as a pledge or by way of security for any purpose, such possession shall not have the effect of cancelling the nomination, but the right of the nominee shall be subject to the right of the person so possessing it.

(5) The Government may, on the recommendation of the Bank, by notification in the Official Gazette, extend the facility of nomination to any Government security as may be specified therein.

(6) Nothing contained in sub-section (1) shall affect the right or claim which any person may have against the person whose right and title to a Government security is recognised by the Government or the Bank or to whom the payment of the amount due on the Government security is made by the Government or the Bank under sub-section (1).

(7) No notice of any claim of any person, other than the person or persons is whose name a Government security is held or the nominees thereof, shall be receivable by the Bank or the Government, nor shall the Bank or the Government be bound by any such notice even though expressly given to it:

Provided that where any decree, order, certificate or other authority from a court of competent jurisdiction relating to such Government security is produced before the Bank or the Government, the Bank or the Government shall take due note of such decree, order, certificate or other authority.

10. Government securities belonging to minor or insane person : (1) Where any Government security is held on behalf of a minor, the payment of the same for the time being due on a Government security either by way of outstanding principal or interest thereon may be made to the father or mother of such minor and where neither parent is alive or where the living parents are or only living parent is incapable of action, to person entitled under the law for the time being in force to have care of the property of the minor.

(2) When a Government security belongs to a minor or person who is insane and incapable of managing his affairs and the outstanding principal value of the Government security does not in the aggregate exceed rupees one lakh or such higher amount not exceeding rupees one crore as the Central Government may, by a notification in the Official Gazette from time to time, fix , the Bank may make such order as it thinks fit for the vesting such Government security in such person as it considers represents the minor or insane person.

11. Issue of duplicate securities and of new securities on conversion, consolidation, sub-division. renewal, stripping or reconstitution : (1) If the person entitled to a Government security

applies to the Bank alleging that the Government security has been lost, stolen or destroyed, or has been defaced or mutilated the Bank may, on proof to its satisfaction of the loss, theft, destruction, defacement or mutilation of the Government security, and subject to such conditions and on payment of such fees as may be prescribed, order the issue of a duplicate Government security to the applicant.

(2) If the person entitled to a Government security to the Bank to have the Government security converted into a Government security of another form, or into a Government security issued in connection with another loan or to have it consolidated with other like Government securities, or to have it sub-divided, or to have it renewed, stripped or reconstituted, the Bank may, subject to such conditions and on payment of such fees as may be prescribed, cancel the Government security and order the issue of new Government security or Government securities.

Explanation : A Government security may be stripped separately for interest and principal or reconstituted on the application of the holder subject to such terms and conditions as may be specified.

(3) The person to whom a duplicate Government security or a new Government security is issued under this section shall be deemed for the purposes of section 18 to have been recognised by the Bank as the holder of the Government security; and a duplicate Government security or new Government security so issued to any person shall be deemed to constitute a new contract between the Government and person and all persons deriving title thereafter through him:

Provided that the issue of new security under this section shall not affect the interest of third parties in whose favour a charge or other interest was lawfully created and was subsisting at the time of issue of the new security.

12. Summary determination by Bank of title to Government security in case of dispute : (1) If the Bank is of opinion that a doubt exists as to the title to a Government security, it may proceed to determine, in accordance with such regulations as may be made,the person who shall for the purposes of the Bank be deemed to be person entitled thereto.

(2) For the purpose of making any order which it is empowered to make under this Act, the Bank may request a District Magistrate to record or to have recorded the whole or any part of such evidence as any person whose evidence the Bank requires may produce and the District Magistrate so requested may either himself record, or may direct any Executive Magistrate empowered in this behalf by general or special order of the State Government to record the evidence, and shall forward a copy thereof to the Bank.

(3) For the purpose of making a vesting order under this Act, the Bank may direct one of its officers to record the evidence of any person whose evidence the Bank requires or may receive evidence upon affidavit.

(4) A Magistrate or an officer of the Bank acting in pursuance of this section may administer an oath to any witness examined by him.

13.Law applicable in regard to Government securities : Notwithstanding that as a matter of convenience, the Government may have arranged for payments on a Government security to be made elsewhere than in india, the rights of all persons in relation to Government securities shall be determined in connection with of all persons in relation to Government securities shall be determined in connection with all such questions as are dealt with by this Act by the law and in the Courts of India.

14. Postponement of payments and registration of transfers pending the making of vesting order : Where the Bank contemplates making an order under this Act to vest a Government security in any person, the Bank may suspend payment of interest on or maturity value of the Goverment security or postpone the making of any order under section 7, section 10, section 11 or section 12 or the registration of any transfer of the Government security, as the case may be, until the vesting order has been made.

15. Power of Bank to require bonds : (1) Before making any order which it is empowered to make under this Act, the Bank may require the person in whose favour the order is to be made to execute an indemnity bond with one or more sureties in such form as may be prescribed or to furnish security not exceeding twice the value of the subject-matter of the order, to be held at the disposal of the Bank to pay to the Bank or any person to whom the Bank may assign the indemnity bond or security in furtherance of sub-section (2) the amount thereof.

(2) A Court before which a claim in respect of the subject-matter of any such order is established may order the indemnity bond or security to be assigned to the successful claimant who shall thereupon be entitled to enforce the indemnity bond or realise the security to the extent of such claim.

16. Publication of notices in Official Gazette : Any notice required to be given by the Bank under this Act may be served by post, but every such notice shall also be published by the Bank in the Official Gazette or the Official Gazette of a State, according as the notice relates to a Government security, issued by the Central Government or a State Government, and on such publication shall be deemed to have been delivered to all persons for whom it is intended.

17. Procedure and scope of vesting order : (1) The Bank shall, while making a vesting order under section 7., section 10 section 11 or section 12, follow such procedure as may be prescribed.

(2) An order made by the bank under this Act may either confer full title to a Government security or a title only to the accrued and accruing interest on the Government security pending a further order vesting full title.

18. Legal effect of orders made by Bank : No recognition by the Bank of a person as the holder of a Government security, and no order made by the Bank under this Act shall be called in question by any Court so far as such recognition or order affects the relations of the Government or the Bank with the person recognised by the Bank as the holder of a Government security or with any person claiming an interest in such security; and any such recognition by the Bank of any person or any order by the Bank vesting a Government security in any person shall operate to confer on that person a title to the security subject only to his personal liability to the rightful owner of the seurity for money had and received on his account.

19. Stay of proceedings on order of Court : Where the Bank contemplates making with reference to any Government security any order which it is empowered to make under this Act, and before the order is made the Bank receives from a Court in India an order to stay the making of such order, the Bank shall either-

(a) hold the security together with any interest unpaid or accruing thereon until further orders of the Court are received; or

(b) apply to the Court to have the security transferred to the Official Trustees appointed for the State in which such Court is situated, pending the dispoal of the proceedings before the Court.

20. Cancellation by Bank of vesting proceedings : Where the Bank contemplates making an order under this Act vesting a Government security in any person, the Bank may, at any time before the order is made, cancel any proceedings already taken for that purpose and may, on such cancellation, proceed anew to the making of such order.

21. Discharge in respect of interest on Government securities : Save as otherwise expressly provided in the terms of Government security, no person shall be entitled to claim interest on such security in respect of any period which has elapsed after the earliest date on which demand could have been made for the payment of the amount due on such security.

22. Discharge in respect of bearer bonds : The Government shall be discharged from all liability on bearer bond or on any interest coupon of such a bond on payment to the holder of such bond or coupon on presentation on or after the date when it becomes due of the amount expressed therein, unless before such payment,an order of a Court in India has been served on the Government restraining it from making payment.

23. Period of limitation of Government's liability in respect of interest : (1) Where no shorter period of limitation is fixed by any law for the time being in force, the liability of the Government in respect of any interest payment due on a Government security shall terminate on the expiry of six years from the date on which the amount due by way of interest became payable.

Provided that the Government may allow a bona fide claim for payment of interest after the expiry of the period of six years in those cases where the holders of securities could not prefer their claims within the said period of six years.

(2) Notwithstanding anything contained in sub-section (1), the Bank may specify the securities in respect of which the circumstances under which, and the terms and conditions subject to which, interest may be paid even after the expiry of the period specified in the said sub-section.

24. Inspection of documents : No person shall be entitled to inspect or to receive information derived from any Government security in the possession or custody of the Government or from any book, register or other document kept or maintained by or on behalf of the Government in relation to

Government securities or any Government security, save in such circumstances and manner and subject to such conditions as may be prescribed.

25. Micro films facsimile copies of documents, magnetic tapes and computer print outs as documents of evidence : (1) Notwithstanding anything contained in any other law for the time being in force,

(a) a micro film of a document or the reproduction of the image or images embodied in such micro film (whether enlarged or not) ; or

(b) a facsimile copy of a document ; or

(c) a statement contained in a document and included in a printed material produced by a computer, magnetic tape or any other from of mechanical for electronic data retrieval mechanism (hereinafter referred to a computer print out), if the conditions mentioned in sub-section (2) and the other provisions contained in this section are satified in relation to the statement and the computer in question,

shall be deemed to be also a document for the purposes of this Act and the regulations made thereunder and shall be admissible in any proceedings thereunder, without further proff for production of the original, as evidence of any contents of the orginial or of any fact stated therein of which direct evidence would be admissible.

(2) The conditions referred to in sub-section (1) in respect of computer print out shall be the following, namely:

(a) the computer print out containing the statement was produced by the computer during the period over which the computer was used regularly to store or process information for purposes of any activities regularly carried on over that period by the person having lawful control over the use of the computer;

(b) during the said period, there was regularly supplied to the computer in the ordinary course of the said activities, information of the kind contained in the statement or of the kind from which the information so contained is derived;

(c) throughout the material part of the said period, the computer was operating properly or, if not, then any respect in which it was not operating properly or was out of operation during that part of that period was not shell as to affect the production of the document or the accuracy of the contents; and

(d) the information contained in the statement reprodued or is derived from information supplied to the computer in the ordinary course of the said activites.

(3) Where over any period, the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in clause (a) of sub-section (2) was regularly perfomed by computers, whether

(a) by a combination of computers operating over that period; or

(b) by different computers operating in succession over that period ; or

(c) by different combinations of computers operating in succession over that period ; or

(d) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers,

all the computers used for that purpose during that period shall be treated for the purposes of this section as constituting a single computer; and references in this section to a computer shall be contrued accordingly.

(4) In any proceeding under this Act and the regulations made thereunder where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say,

(a) identifying the document containing the statement and describing the manner in which it was produced;

(b) giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer;

(c) dealing with any of the matters to which conditions mentioned in sub-section (2) relate, and purporting to be signed by a person occupying a responsible official position in the Bank in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate),

shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section it shall be sufficient for a matter to be stated to the best of the knowledge and belife of the person stating it.

(5) For the purposes of this section,

(a) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;

(b) whether in the course of activities carried on by any official, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;

(c) a document shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.

Explanation : For the purposes of this section,

(a) "computer" means any electronic, magnetic, optical or other high-speed data processing service device or syatem which performs logical, arithmetical and memory functions by manipulation of electronic, magnetic or optical impulses and incudes all input, output, processing, storage, computer software or communcation facilities which are connected or related to the computer in a system or computer network;

(b) "computer print out" shall include ledgers, day-books , account books and other records, maintained in the ordinary course of business of the Bank or of the agent, printed on paper from the information stored in the computer or derived from such infornation ; and

(c) any reference to information being derived from other information shall be a reference to its being derived therefrom by calculation, comparison or any other process.

26. Bank and its officers to be public officers : For the purposes of section 124 of the Indian Evidence Act, 1872, (1 of 1872) the provisions of part IV of the Code of Civil Procedure, 1908 (5 of 1908) realting to suits by against public officers in their official capacity, and provisions of rule 27 of Order V, and rule 52 of Oder XXI of the said Code, the Bank and any officer of the Bank acting in his capacity as such shall be deemed to be public officer.

27. Misuse of subsidiary general ledger account facility : Where a subsidiary general ledger account is opened by the Bank in favour of any holder of a Government security in terms of section 4 and,

(a) it comes to the notice of the Bank that the said account is being operated contrary to the terms and conditions subject to which the account was opened ; or

(b) the subsidiary general ledger account transfer form has bounced due to insufficiency of Government security or funds ; or

(c) the Bank is of opinion that the account is being operated contrary to the banking practice or in a manner prejudicial to the interests of the holders of Government securities in general ; or

(d) the subsidiary general ledger account is being misused in any manner,

the Bank may, by order in writing, after giving an opportunity of bing heard, debar the holder of such account from trading with the subsidiary general ledger account facility temporarily or permanently as it deems fit.

28. Pledge, hypothecation or lien : (1) Subject to such terms and conditions as may be prescribed, the holder of a Government security may create a pledge or hypothecation or lien in respect of such security.

(2) On receipt of notice of pledge or hypothecation or lien from the holder of the Governement security, the Bank or any agent maintaining the account in respect of such security shall make necessary entry in its record and such entry shall be evidence of the pledge, hypothecation or lien thereof, as the case may be.

29. Power to call for information, cause inspection and issue directions : (1) The Bank may at any time, for the purposes of this Act, call for such information as it deems necessary in relation to a Government security from any agent, or holder of subsidiary general ledger account including constituents' subsidiary general ledger account and cause an inspection or scrutiny to be made by one or more of its officers or other person, of any agent holder or holder of a subsidiary general ledger account including constituents' subsidiary general ledger account.

(2) The Bank may, if it considers necessary so to do, issue such directions as it thinks fit, in relation to a Government security,

(i) to the holders of the subsidiary general ledger accounts including constituents' subsidiary general ledger account;

(ii) to the agents maintaining bond ledger account; and

(iii) to any other person dealing with the Government securities, for carrying out the purposes of this Act.

30. Contravention and penalties : (1) If any person, for the purpose of obtaining for himself or for any other person any title to Government security, makes to any authority in any application made under this Act or in the course of any inquiry undertaken in puesuance of this Act any sstatement which is false and which he either knows to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) No Court shall take cognizance of any offence under sub-section (1) except on the complaint of the Bank.

(3) Without prejudice to any other action which the Bank may deem fit to take, the Bank, after giving a reasonable opportunity of being heard, may impose on any person who contravenes any provision of this Act, or contravenes any regulation, notification or direction issued under this Act, or violates the terms and conditions for opening and maintenance of a subsidiary general ledger account, including constituents' subsidiary general ledger account, a penalty, not exceeding five lakh rupees and where such contravention is a continuing one, further penalty which may extend to five thousand rupees for every day after first day during which the contravention continues.

31. Certain laws not to apply to Government securities : (1) The Public Debt Act, 1944 (18 of 1944) shall cease to apply to the Government securities to which this Act applies and to all matters for which provisions have been made by this Act.

(2) Notwithstanding such cessation anything done or any action taken in the exercise of any power conferred by or under that Act shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act was in force at all material times.

(3) Nothing contained in the Depositories Act, 1996 (22 of 1996) or the regulations made thereunder shall apply to Government securities covered by this Act unless an agreement is executed to the countrary by any depository under the Depositories Act, 1996 with the Government or the Bank, as the case may be.

32. Power to make regulations : (1) The Bank may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such regulations may provide for all or any of the following matters, namely:

(a) the form in which and the terms and conditions subject to which the Government securities may be issuee under section 3;

(b) the form in which and the fee to be charged for opening and maintenance of subsidiary general ledger account including constituents subsidiary general ledger account and bond ledger account by the Bank under sub-section (1) of section 4;

(c) the form and manner in which Government securities shall be transferred under sub-section (2) of section 5 and the manner in which any document relating to any Government security or any endorsement on a promissory note may be executed on behalf of a person who is unable to write under sub-section (3) of that section;

(d) the documents to be produced for recognition of title to the Government security of a deceased sole holder or all deceased joint holders under sub-section (2) of section 7 and manner in which and the conditions subject to which the Bank may recognise title to a Government security under sub-section (3) of that section;

(e) the form and the manner in which a nomination may bemade, varied or cancelled and the manner in which any person may be appointed in whom the Government security wolud be deemed to have vested in the event of death of holder or joint holders of Government security during the minority of a nominee under section 9;

(f) the conditions governing the issue of duplicate Government securities and the fees to be paid therefor under section 11;

(g) the manner in which the Bank may determine title to a Government security under section 12;

(h) the form of bond under sub-section (1) of section 15;

(i) the procedure for making vesting order referred to in sub-section (1) of section 17;

(j) the circumstances and the manner in which and the condiaions subject to which inspection of Government securities, books, registers and other documents may be allowed or information therefrom may be given under section 24;

(k) the terms and conditions subject to which pledge or hypothecation or lien be created under sub-section (1) of section 28.

(3) Every regulation made by the Bank under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both hHouses agree in making any modification in the regulation or both Houses agree that the regulaion should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

33. Construction of references to laws not in force in Jammu and Kashmir : Any referencce in this Act to law which is not in force in the State of Jammu and Kashmir shall, wherever, necessary, be constructed as including a reference to the corresponding law, if any, in force in that State.

34. Power to remove difficulties : (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

35. Repeal and saving : (1) The Indian Securities Act, 1920 (10 of 1920) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken in the exercise of any power conferred by or under the Act shall be deened to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing was done or action was taken.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ರಿಚಾರ್ಡ್ ಲೋಬೋ
ಜಂಟಿ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಜಂಟಿ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 3

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 51 ಕೇಶಾಪ್ರ 2006 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 2ನೇ ಜನವರಿ 2007

2006ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 4ನೇ ದಿನಾಂಕದ ಭಾರತದ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Wild Life (Protection) (Amendment) Act, 2006 (Act 39 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 2006

(AS PASSED BY THE HOUSES OF PARLIAMENT)

AN

ACT

further to amend the Wild Life (Protection) Act, 1972.

Be it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:

1. Short title, and commencement: (1) This Act may be called the Wild Life (Protection) Amendment Act, 2006

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new Chapters IVB and IVC : After Chapter IVA of the Wild Life (Protection) Act, 1972 (53 of 19720 (hereinafter referred to as principal Act), the following Chapters shall be inserted, namely:

CHAPTER IVB
NATIONAL TIGER CONSERVATION AUTHORITY

38K. Definitions : In this Chapter,

(a) "National Tiger Conservation Authority" means the Tiger Conservation Authority constituted under section 38L;

(b) "Steering Committee" means the Committee constituted under section 38 U;

(c) "Tiger Conservation Foudation" means the foundation established under section 38X;

(d) "tiger reserve State" means a State having tiger reserve;

(e) "tiger reserve" means the areas notified as such under section 38V.

38L. Constitution of National Tiger Conservation Authority : (1) The Central Government shall constitute a body to be known as the National Tiger Conservation Authority (hereafter in this Chapter referred to as the Tiger Conservation Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Tiger Conservation Authority shall consist of the following members, namely:

(a) the Minister in charge of the Ministry of Environment and Forests Chairperson;

(b) the Minister of State in the Ministry of Environment and Forests Vice-Chairperson;

(c) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(d) eight experts or professionals having prescribed qualifications and experience in conservation of wild life and welfare of people living in tiger reserve out which at least two shall be from the field of tribal development;

(e) Secretary, Ministry of Environment and Forests;

(f) Director Geneal of Forests and Special Secretary, Ministry of Environment and Forests;

(g) Director, Wild Life Preservation, Ministry of Environment and Forests;

(h) six Chief Wild Life Wardens from the tiger reserve Srates in rotation for three years;

(i) an officer not below the rank of Joint Secretary and Legislative Counsel from the Ministry of Law and Justice;

(j) Secretary, Ministry of Tribal Affairs;

(k) Secretary, Ministry of Social Justice and Empowerment;

(l) Chairperson, National Commission for the Schedule Tribes;

(m) Chairperson, National Commission for the Scheduled Castes;

(n) Secretary, Ministry of Panchayati Raj;

(o) Inspector-General of Forests or an officer of the equivalent rank having at least ten years experience in a tiger reserve or wild life management, who shall be the Member-Secretary.

to be notified by the Central Government, in the Official Gazette.

(3) It is hereby declared that the office of Member of the Tiger Conservation Authority shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

38M. Term of office and conditions of service of members : (1) A member nominated under clause (d) of sub-section (2) of section 38L shall hold office for such period not exceeding three years:

Provided that a member may, by writing under his hand addressed to the Central Government, resign from his office.

(2) The Central Government shall remove a member referred to in clause (d) of sub-section (2) of section 38L., from office if he

(a) is, or at any time has been, adjudicated as insolvent;

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

(c) is of unsound mind stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) is without obtaining leave of absence from the Tiger Conservation Authority, absent from three consecutive meetings of the said Authority ; or

(f) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest:

Provided that no member shall be removed under this sub-section unless he has been given a reasonble opporunity of being heard in the matter.

(3) Any vacancy in the office of a member shall be filled by fresh appointment and such member shall continue for the remainder of the term of the member in whose place he is appointed.

(4) The salaries and allowances and other conditions of appointment of the members of the Tiger Conservation Authority shall be such as may be prescribed.

(5) No act or proceeding of the Tiger Conservation Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Tiger Conservation Authority.

38N. Officers and employees of Tiger Conservation Authority : (1) The Tiger Conservation Authority may, with the previous sanction of the Central Government, appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act:

Provided that the officers and employees holding office under the Directorate of Project Tiger and dealing with Project Tiger immediately before the date of constitution of the Tiger Conservation Authority shall continue to hold office in the said Authority by the same tenure and upon the same terms and conditions of service or until the expiry of the period of six months from that date if such employee opts not to be the employee of that Authority.

(2) The terms and conditions of service of the officers and other employees of the Tiger Conservation Authority shall be such as may be prescribed.

38O. Powers and functions of Tiger Conservation Authority : (1) The Tiger Conservation Authority shall have the following powers and perform the following functions, namely:

(a) to approve the Tiger Conservation Plan prepared by the State Government under sub-section (3) of section 38V of this Act;

(b) evaluate and assess various aspects of sustainable ecology and disallow any ecolically unsustainable land use such as, mining, industry and other projects within the tiger reserves;

(c) lay down normative standards for tourism activities and guidelines for project tiger from time to time for tiger conservation in the buffer and core area of tiger reserves and ensure their due compliance;

(d) provided for management focus and measures for addressing conflicts of men and wild animals and to emphasised on co-existence forest areas outside the National Parks, sanctuaries or tiger reserve, in the working plan code;

(e) provide information on protection measures including future conservation plan, estimation of population of tiger and its natural prey species, status of habitats, disease surveillance, mortality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit including future plan conservation;

(f) approve, co-ordinate research and monitoring on tiger, co-predators, prey, habitat, related ecological and socio-economic parameters and their evaluation;

(g) ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustinable uses, except in public interest and with the approval of the National Board for Wild Life and on the advice of the Tiger Conservation Authority;

(h) facilitate and support the tiger reserve management in the State for biodiversity conservation initives through eco-development and people's participation as per approved management plans and to support similar initiatives in adjoining areas consistent with the Central and State laws;

(i) ensure critical support including scientific, information technology and legal support for better implementation of the tiger conservation plan;

(j) facilitate ongoing capacity building programme for skill development of officers and staff of tiger reserves; and

(k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to conservation of tigers and their habitat.

(2) The Tiger Conservation Authority may, in the exercise of its powers and performance of its functions under this Chapter, issue directions in writing to any person, officer or authority for the protection of tiger or tiger reserves and such person, officer or authority shall be bound to comply with the directions;

Provided that no such direction shall interfere with or affect the rights of local people particularly the Scheduled Tribes.

38P. Procedure to be regulated by Tiger Conservation Authority : (1) The Tiger Conservation Authority shall meet at such time and at such place as the Chairperson may think fit.

(2) The Chairperson or in his absence the Vice-Chairperson shall preside over the mettings of the Tiger Conservation Authority.

(3) The Tiger Conservation Authority shall regulate its own procedure.

(4) All orders and decisions of the Tiger Conservation Authority shall be authenticated by the Member-Secretary or any other officer of the said Authority duly authorised by the Member-Secretary in this behalf.

38Q. Grants and loans to Tiger Conservation Authority and constitution of Fund : (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Tiger Conservation Authority grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a Fund to be called the Tiger Conservation Authority Fund and there shall be credited thereto

(i) any grants and loans made to the Tiger Conservation Authority by the Central Government;

(ii) all fees and charges received by the Tiger Conservatio Authority under this ACct; and

(iii) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Tiger Conservation Authority and the expenses of the Tiger Conservation Authority incurred in the discharge of its functions under this Chapter.

38R. Accounts and audit of Tiger Conservation Authority : (1) The Tiger Conservation Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Tiger Conservation Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Tiger Conservation Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-Geneal of India and any other person appointed by him in connection with the audit of the accounts of the Tiger Conservation Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particlur, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Tiger Conservation Authority.

(4) The accounts of the Tiger Conservation Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the Tiger Conservation Authority.

38S. Annual report of Tiger Conservation Authority : The Tiger Conservation Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

38T. Annual report and audit report to be laid before Parliament : The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-

acceptance, if any of any of such recommendations, and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament.

38U. Constitution of Steering Committee : (1) The State Government may constitute a Steering Committee for ensuring co-ordination, monitoring, protection and conservation of tiger, co-predators and prey animals within the tiger range States.

(2) The Steering Committee shall consists of

(a) the Chief Minister-Chairperson;

(b) the Minister in charge of Wild Life -Vice Chairperson;

(c)such number of official members not exceeding five including at least two Field Directors of tiger reserve of Director of National Park and one from the State Government's Departments dealing with tribal affairs;

(d) three experts or professionals having qualifications and experience in conservation of wild life of which at leat one shall be shall be from the field of tribal development;

(e) two members from the State's Tribal Advisory Council;

(f) one representative each from State Government's Departments dealing with Panchayati Raj and Social Justice and Empowerment;

(g) Chief Wild Life Warden of the State shall be the Member-Secretary, ex officio,

to be notified by the State Government, in the Official Gazette.

38V. Tiger Conservation Plan : (1) The State Government shall, on the recommendation of the Tiger Conservation Authority , Notify an area as a tiger reserve.

(2) The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, section 30, 32 and clauses (b) and (c) of section 33 of this Act shall, as far as may be, apply in relation to a tiger reserve as they apply in relation to a sanctuary.

(3) The State Government shall prepare a Tiger Conservation Plan including staff development and deployment plan for the proper management of each area referred to in sub-section (1), so as to ensure

(a) protection of tiger reserve and providing site specific habitat inputs for a viable population of tigers, co-predators and prey animals without distorting the natural prey-predator ecological cycle in the habitat;

(b) ecologically compatible land uses in the tiger reserves and areas linking one protected area or tiger reserve with another for adderssing the livelihood concerns of local people, so as to provide dispersal habitats and corridor for spill over population of wild animals from the designated core ares of tiger reserves or from tiger breeding habitate within other protected areas;

(c) the forestry operations of regular forest divisions and those adjoining tiger reserves are not incompatible with the needs of tiger conservation.

(4) Subject to the provisions contained in this Act, the State Government shall, while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve.

Explanation : For the purposes of this section, the expression "tiger reserve" includes

(i) core or critical tiger habitat areas of National Parks and sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers, and notified as such by the State Government in consultation with an Expert Committee constituted for the purpose;

(ii) buffer or peripheral area consisting of the area perpheral to critical tiger habitat or core area, identified and established in accordance with the provisions contained in Explanation (i) above, where a lesser degree of habitat protection is required to ensure the integrity of the critical tiger habitat with adequate dispersal for tiger species, and which aim at promoting co-existence between wildlife and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people, wherein the limits of such areas are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee constituted for the purpose.

(5) Save as for voluntary relocation on mutually agreed terms and conditions, provided that such terms and conditions satisfy the requirements laid down in this sub-section, no Scheduled Tribes or other

forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for tiger conservation unless

(i) the process of recognition and determination of rights and acquistion of land or forest rights of the Scheduled Tribes and such other forest dwelling person is complete;

(ii) the concerned agencies of the State Government, in exercise of their powers under this Act, establishes with the consebt of the Scheduled Tribes and such other forest dwellers in the area, and in consultation with an ecological and social scientist familiar with the area, that the activities of the Scheduled Tribes and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tigers and their habitat;

(iii) the State Government, after obtaining the consent of the Scheduled Tribes and other forest dwellers inhabiting the area, and in consultation with an independent ecological and social scientist familiar with the area, has come to a conclusion that other reasonable options of co-existence, are not available.

(iv) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfils the requirements given in the National Relief and Rehabilitation Policy;

(v) the informed consent of the Gram Sabha concerned, and of the persons affected to the resettlement programme has been obtained; and

(vi) the facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with.

38W. Alteration and de-notification of tiger reserves : (1) No alteration in the boundaries of a tiger reserve shall be made except on a recommendation of the Tiger Conservation Authority and the approval of the National Board for Wild Life.

(2) No State Government shall de-notify a tiger reserve, except in public interest with the approval of the Tiger Conservation Authority and the National Board for Wild Life.

38X. Establishment of Tiger Conservation Foundation : (1) The State Government shall establish a Tiger Conservation Foundation for tiger reserves within the State in order to facilitate and support their management for conservation of tiger and biodiversity and, to take initiatives in eco-development by involvement of people in such development process.

(2) The Tiger Conservation Foundation shall, inter alia, have the following objectives:

(a) to facilitate ecological, economic, social and cultural development in the tiger reserves;

(b) to promote eco-tourism with the involvement of local stake- holder communities and provide support to safeguard the natural environment in the tiger reserves;

(c) to facilitate the creation of, and or maintenance of such assets as may be necessary for fulfilling the above said objectives;

(d) to solicit technical, financial, social,. legal and other support required for theactivities of the Foundation for achieving the above said objectives;

(e) to augment and mobilise financial resources including recycling of entry and such other fees received in a tiger reserve, to foster stake-holder development and eco-tourism;

(f) to support research, environmental education and training in the above related fields.

CHAPTER IVC

TIGER AND OTHER ENDANGERED SPECIES CRIME CONTROL BUREAU

38Y. Constitution of Tiger and other Endangered Species Crime Control Bureau : The Central Government may, for the purposes of this Act,. by order published in the Official Gazette, constitute a Tiger and other Endangered Species Cime Control Bureau to be known as the Wildlife Crime Control Bureau consisting of

(a) the Director of Wildlife Preservation-Director ex-officio;

(b) the Inspector-General of Police-Additional Director;

(c) the Deputy Inspector-General of Police-Joint Director;

(d) the Deputy Inspector-General of Forest-Joint Director;

(e) the Additional Commissioner (Customs and Central Excise)-Joint Director; and

(f) such other officers as may be appointed from amongst the officers covered under sections 3 and 4 of this Act.

38Z. Powers and functions of the Wildlife Crime Control Bureau : (1) Subject to the provisions of this Act, the Wildlife Crime Control Bureau shall take measures with respect to

(i) collect and collate intelligence related to oranized wildlife crime activities and to disseminate the same to State and other enforcement agencies for immediate action so as to apprehend the criminals and to establish a centralised wildlife crime data bank;

(ii) co-ordination of actions by various officers, State Governments and other authorities in connection with the enforcement of the provisions of this Act, either directly or through regional and border units set up by Bureau;

(iii) implementation of obligations under the various international Conventions and protocols that are in force at present or which may be ratified or acceded to by India in future;

(iv) assistance to concerned authorities in foreign countries and concerned international oranisations to facilitate co-ordination and universal action for wildlife crime control;

(v) develop infrastructure and capacity building for scientific and professional investigation into wildlife crimes and assist State Governments to ensure success in prosecutions related to wildlife crimes;

(vi) advice the Government of India on issues relating to wildlife crimes having national and international remifications, and suggest changes required in relevant policy and laws from time to time.

(2) The Wildlife Crime Control Bureau shall exercise-

(i) such powers as may be delegated to it under sub-section (1) of section 5, sub-sections (1) and (8) of section 50 and section 55 of this Act; and

(ii) such other powers as may be prescribed".

3. Amendment of section 51 : In section 51 of the principal Act, after sub-section (1B), the following sub-sections shall be inserted, namely:

"(1C) Any person, who commits an offence in relation to the core area of tiger reserve or where the offence relate to hunting in the tiger reserve or altering the boundaries of the tiger reserve, such offence shall be punishable on first conviction with imprisonment for a term which shall not be less than three years but may extend to seven years, and also with fine which shall not be less than fifty thousand rupees but may extend to two lakh rupees; and in the event of a second or subsequent conviction with imprisonment for a term of not less than sevenyears and also with fine which shall not be less than five lakh rupees but may extend to fifty lakh rupees.

(iD) Whoever, abets any offence punishable under sub-section (1C) shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided for that offence".

4. Amendment of section 55 : In section 55 of the principal Act, after clause (aa), the following clauses shall be inserted, namely:

"(ab) Member-Secretary, TigerConservation Authority; or

(ac) Director of the concerned tiger reserve; or"

5. Amendment of section 59 : In section 59 of the principal Act, after the word, figures and letter "ChapterIVA", the word figures and letter "Chapter IV B" shall be inserted.

6. Amendment of section 60 : In section 60 of the principal Act, in sub-section (3), after the word, figures and letter "Chapter IVA", the word. figures and letter "Chapter IVB" shall be inserted.

7. Amendment of section 63 : In section 63 of the principal Act, in sub-section (1), after clause (g), the following clauses shall be inserted, namely:

"(gi) qualifications and experience of experts or professionals under clause (d) of sub-section (2) of section 38-I;

(gii) the salaries and allowances and other conditions of appointment of the members under sub-section (4) of section 38M;

(giii) the terms and conditions of service of the officers and other employees of the Tiger Conservation Authority under sub-section (2) of section 38N;

(giv) the form in which the annual statement of accounts of Tiger Conservation Authority shall be prepared under sub-section (1) of section 38R;

(gv) the form in which and the time at which the annual report of Tiger Conservation Authority shall be prepared under section 38S;

(gvi) other powers of the Wild Life Crime Control Bureau under clause (ii) of sub section (2) of section 38Z".

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ರಿಚಾರ್ಡ್ ಲೋಬೋ
ಜಂಟಿ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಜಂಟಿ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 2